## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI WESTERN DIVISION

UNITED STATES OF AMERICA,	)
Plaintiff,	)
vs.	) Case No. 10-0762-CV-W-ODS
UNITED STATES CURRENCY IN THE AMOUNT OF \$17,500,	) ) )
Defendant.	)

## ORDER

On August 4, 2010, a verified Complaint for Forfeiture in Rem was filed on behalf of the plaintiff, United States of America, against the defendant property. The complaint alleges that the defendant property was furnished or intended to be furnished in exchange for a controlled substance in violation of subchapter I of Chapter 13, Title 21, United States Code, is a proceed traceable to such an exchange, or was used or intended to be used to facilitate the commission of a violation of subchapter I of Chapter 13, Title 21, United States Code, and therefore, is subject to forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(6).

Process was fully issued in this action and returned according to law. Pursuant to a warrant for arrest of property issued by this Court, the United States Marshal for the Western District of Missouri arrested said property on August 30, 2010.

The known potential claimants were mailed notice by certified mail, return receipt in care of their attorney, Patrick J. Berrigan on August 5, 2010. Tyrun Bell and Lee Bell, by their attorney Patrick J. Berrigan filed a timely claim and answer to the complaint on August 23, 2010.

Any and all other potential claimants have been notified of the action and of their rights to assert a claim for the defendant property by publication of a public notice on an official government website at www.forfeture.gov for thirty consecutive days beginning on August 7, 2010, and ending on September 5, 2010, which publication is evidenced

by an Affidavit of Publication on file with this Court.

The United States and the claimants Tyrun Bell and Lee Bell, through their attorney Patrick J. Berrigan, entered into a stipulation which is hereby APPROVED as submitted. Pursuant to the stipulation the United States agrees to return \$8,500.00 in United States currency to the claimants and the claimants agree to the forfeiture of \$9,000.00 in United States currency.

No other claims for the defendant property have been filed and the time within which such claims must have been filed has expired.

Now, therefore, on motion of the plaintiff United States of America for a judgment of forfeiture, it is hereby

ORDERED--

- (1) that plaintiff's motion for a judgment of forfeiture is hereby granted and \$9,000.00 in United States currency of the defendant \$17,500 is hereby forfeited to the United States pursuant to 21 U.S.C. § 881(a)(6) to be disposed of according to law;
- (2) that plaintiff shall return \$8,500.00 of the defendant property to the claimants Tyrun Bell and Lee Bell in the following manner: The United States Marshals Service shall pay the \$8,500 by direct deposit to the claimants attorney's financial institution;
- (3) that all other persons claiming any right, title, or interest in or to the defendant property are held in default;
- (4) that all claims and interests in the defendant property, except as provided herein, are forever foreclosed and barred;
  - (5) that each party will bear their own costs;
- (6) that the Clerk of the Court shall enter a judgment consistent with this order. IT IS SO ORDERED.

/s/ Ortrie D. Smith
ORTRIE D. SMITH, JUDGE

UNITED STATES DISTRICT COURT

DATE: January 4, 2011